

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2005-1251-AIR-E **TCEQ ID:** RN102495884 **CASE NO.:** 27076
RESPONDENT NAME: ConocoPhillips Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEAN REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: ConocoPhillips Borger Refinery, Spur 119 North, Borger, Hutchinson County</p> <p>TYPE OF OPERATION: Petroleum refinery and natural gas processing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are four pending enforcement actions, Docket Numbers 2005-0717-UIC-E, 2006-0087-MLM-E, 2007-0558-AIR-E, and 2007-0567-MLM-E, regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 27, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, Enforcement Division, Enforcement Team 3, MC R-4, (817) 588-5890; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Brian K. Lever, Refinery Manager, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008 Ms. JoAnn Wasicek, Health, Safety and Environmental Team Leader, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2005-1251-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 18, 2005</p> <p>Date of NOEs Relating to this Case: July 1, 2005 and November 9, 2005 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (emission point number ("EPN") 85B2) during an emission event on November 23, 2004 [30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on November 30, 2004 [30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to maintain an emission rate below the maximum allowable emission limits from Hydrogen Sulfide ("H2S") Emergency Flare (EPN 66FL6) during an emission event on December 23, 2004 [30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failed to maintain an emission rate below the maximum allowable emission limits from Refinery Cat Flare (EPN 66FL3) during an emission event on February 23, 2005 [30 TEX. ADMIN. CODE</p>	<p>Total Assessed: \$143,062</p> <p>Total Deferred: \$28,612 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$57,225</p> <p>Total Paid to General Revenue: \$57,225</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Take:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a) Re-lit the pilot on the East Refinery Flare on June 17, 2003;</p> <p>b) Began conducting monthly leak inspections of all equipment in gasoline service on March 1, 2005;</p> <p>c) Began maintaining tags for leaking components on April 19, 2005;</p> <p>d) Implemented an internal procedure which requires an investigation to determine the root cause and to identify countermeasures intended to prevent reoccurrence of emission events on April 19, 2005;</p> <p>e) Submitted a complete excess emissions report for the fourth quarterly report for year 2003 on April 21, 2005;</p> <p>f) Reported all instances of deviations for the periods of February 2, 2004 through August 2, 2004 and August 3, 2004 through December 31, 2004 on June 30, 2005;</p> <p>g) Submitted an accurate benzene NESHAP annual report for year 2004 on August 2, 2005;</p> <p>h) Began maintaining records of quarterly visual reports on March 31, 2006; and</p> <p>i) Began complying with leak repair requirements for valves on June 13, 2006.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>

§ 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on February 23, 2005 [30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (EPN 85B2) during an emission event on March 5, 2005 [30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failed to maintain records of quarterly visual reports. Specifically, a total of 10 quarterly reports were missing for years 2003 and 2004 for the eight affected units [30 TEX. ADMIN. CODE § 113.340, 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 61.356(g) and 63.654(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8) Failed to submit accurate benzene national emission standards for hazardous air pollutants ("NESHAP") annual report for year 2004 to indicate problems with a drain subject to 40 CFR 61, Subpart FF [30 TEX. ADMIN. CODE § 113.340, 40 CFR §§ 61.357(d)(8) and 63.654(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failed to conduct monthly leak inspections of all equipment in gasoline service for 14 months in years 2003 and 2004 [30 TEX. ADMIN. CODE § 113.230, 40 CFR § 63.424(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10) Failed to include all required information in the fourth quarterly report of excess emissions for year 2003 [30 TEX. ADMIN. CODE § 113.230, 40 CFR § 63.428(h)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11) Failed to comply with leak repair requirements for valve No. 2205 [30 TEX. ADMIN. CODE § 113.340, 40 CFR §§ 60.482-7 and 63.648(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12) Failed to maintain tags for leaking

components. Specifically, valves No. 14005, 14254, and 14264 were not tagged as required [30 TEX. ADMIN. CODE § 113.340, 40 CFR §§ 60.486(b) and 63.648(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13) Failed to operate the flare with flame present at all times. Specifically, the flame was absent for the East Refinery Flare on June 16, 2003 [30 TEX. ADMIN. CODE § 113.100, 40 CFR § 63.11(b), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14) Failed to report all instances of deviations [30 TEX. ADMIN. CODE § 122.145(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Attachment A
Docket Number: 2005-1251-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company - Borger Refinery

Penalty Amount: One Hundred Fourteen Thousand Four Hundred Fifty Dollars
[\$114,450]

SEP Offset Amount: Fifty-Seven Thousand Two Hundred Twenty-Five Dollars
[\$57,225]

Type of SEP: Contribution to Third Party – *Borger ISD asbestos abatement*

Location of SEP: Hutchinson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the *Borger ISD* (“Performing Party”) for the *Asbestos Abatement program*, to be conducted within Hutchinson County. Through a certified asbestos contractor, the performing party shall remove asbestos from the following schools in the Borger Independent School District:

- 3,126 square feet (sf) of floor tile from the Paul Belton Early Childhood campus;
- 6,771 sf of floor tile from the South Campus;
- 550 linear feet (lf) of insulation from the South Campus; and
- 3,843 sf of floor tile from Crockett Elementary.

The performing party is removing the asbestos due to the age of the asbestos and the likelihood of increased traffic in the affected areas in the future. The performing party will test the materials to verify the presence of asbestos and will use proper procedures for handling and disposal of any asbestos-containing materials.

Specifically, SEP monies will pay for the labor and disposal costs associated with properly removing and disposing of asbestos-containing materials to which children may be exposed. The project will be administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Chronic exposure to asbestos may increase the risk of lung cancer, a malignant tumor that invades and obstructs the lung's air passages, mesothelioma, a rare cancer which may affect the lining of the lungs or the abdominal contents; and asbestosis, a serious, progressive, long-term disease of the lungs that can be fatal.

This SEP will provide a discernible environmental benefit by resulting in the proper removal of asbestos from the school buildings by a certified contractor, decreasing exposure of children to the inhalation of asbestos fibers that can cause lung cancer, asbestosis, and mesothelioma.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

- A. Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Borger Independent School District
Clifton Stephens, Superintendent
P.O. Box 1177
200 East Ninth Street
Borger, Texas 79007
Austin, Texas 78711-3087

- B. Concurrent with the payment of the SEP Amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. Records and Reporting

Proof of transmitting the SEP Offset to the Third Party pursuant to Item 2.B., above, shall be considered

sufficient for a final report from the Respondent.

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Oct-2005	Screening	17-Oct-2005	EPA Due	28-Mar-2006
	PCW	24-Oct-2005				

RESPONDENT/FACILITY INFORMATION	
Respondent	ConocoPhillips Company
Reg. Ent. Ref. No.	RN102495884
Facility/Site Region	1-Amarillo
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	27076	No. of Violations	9
Docket No.	2005-1251-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jorge Ibarra, P.E.
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)**Subtotal 1** \$61,400**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 133% Enhancement **Subtotals 2, 3, & 7** \$81,662

Notes

The penalty was enhanced due to one 1660 Agreed Order and 2 NOVs with the same or similar type of violations; and 53 NOVs without the same or similar type of violations of which 51 were self reported. Additionally, the penalty was reduced due to one Notice of Intent and one Disclosure of Violations.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with a small x)

Notes

The respondent achieved full compliance on June 13, 2006.

Economic Benefit

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts

\$12,709

*Capped at the Total EB \$ Amount

Approx. Cost of Compliance

\$18,100

SUM OF SUBTOTALS 1-7**Final Subtotal** \$143,062**OTHER FACTORS AS JUSTICE MAY REQUIRE****Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$143,062**STATUTORY LIMIT ADJUSTMENT****Final Assessed Penalty** \$143,062**DEFERRAL**

20% Reduction

Adjustment -\$28,612

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral recommended due to expedited settlement.

PAYABLE PENALTY

\$114,450

Screening Date 17-Oct-2005**Docket No.** 2005-1251-AIR-E**PCW****Respondent** ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 27076

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102495884**Media [Statute]** Air Quality**Enf. Coordinator** Jorge Ibarra, P.E.**Compliance History Worksheet**>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	53	106%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 133%>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%>> **Compliance History Summary****Compliance History Notes**

The penalty was enhanced due to one 1660 Agreed Order and 2 NOVs with the same or similar type of violations; and 53 NOVs without the same or similar type of violations of which 51 were self reported. Additionally, the penalty was reduced due to one Notice of Intent and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 133%

Screening Date 17-Oct-2005	Docket No. 2005-1251-AIR-E	PCW	
Respondent ConocoPhillips Company	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 27076	<small>PCW Revision May 19, 2005</small>		
Reg. Ent. Reference No. RN102495884			
Media [Statute] Air Quality			
Enf. Coordinator Jorge Ibarra, P.E.			
Violation Number	1		
Primary Rule Cite(s)	30 Tex. Admin. Code § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition No. 1		
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)		
Violation Description	<p>Failure to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (EPN 85B2), Unit 29 CO Boiler (EPN 85B1), Hydrogen Sulfide (H2S) Emergency Flare (EPN 66FL6), and Refinery Cat Flare (EPN 66FL3); emission limits of zero. Since these emissions could have been foreseen and avoided by good design, operation and maintenance practices, the respondent failed to meet the demonstrations for an affirmative defense in 30 TAC § 101.222(b). Emission limits were exceeded as specified in the attached Table.</p>		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		25%	
>> Programmatic Matrix			
Falsification Major Moderate Minor			
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
Percent		<input type="text"/>	
Matrix Notes	<p>The emissions resulted in the exposure of insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.</p>		
Adjustment		-\$7,500	
Base Penalty Subtotal		\$2,500	
Violation Events			
Number of Violation Events		5	
mark only one use a small x	daily	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
Violation Base Penalty		\$12,500	
<p>Five single events are recommended, one for each emission event.</p>			
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount \$4,200		Violation Final Penalty Total \$29,125	
		This violation Final Assessed Penalty (adjusted for limits) \$29,125	

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 27076
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$4,000	23-Nov-2004	05-Mar-2005	1.0	\$200	\$4,000	\$4,200
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to properly abate the unauthorized emissions. Date Required is the date of first emission event, Final Date is the date of last emission event.

Approx. Cost of Compliance **\$4,000****TOTAL** **\$4,200**

Screening Date 17-Oct-2005	Docket No. 2005-1251-AIR-E	PCW
Respondent ConocoPhillips Company	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 27076	<small>PCW Revision May 19, 2005</small>	
Reg. Ent. Reference No. RN102495884		
Media [Statute] Air Quality		
Enf. Coordinator Jorge Ibarra, P.E.		
Violation Number	<div style="border: 1px solid black; padding: 2px; text-align: center;">2</div>	
Primary Rule Cite(s)	<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 113.340 and 40 Code of Federal Regulations (CFR) §§ 61.356(g) and 63.654(a)</div>	
Secondary Rule Cite(s)	<div style="border: 1px solid black; padding: 2px;">Tex. Health & Safety Code § 382.085(b)</div>	
Violation Description	<div style="border: 1px solid black; padding: 2px;">Failure to maintain records of quarterly visual reports. Specifically, a total of 10 quarterly reports were missing for years 2003 and 2004 for the eight affected units.</div>	
Base Penalty		<div style="border: 1px solid black; padding: 2px;">\$10,000</div>

>> **Environmental, Property and Human Health Matrix**

Harm			
Release	Major	Moderate	Minor
Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>

OR

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">X</div>	Percent <div style="border: 1px solid black; padding: 2px;">1%</div>

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment

-\$9,900

Base Penalty Subtotal

\$100

Violation Events

Number of Violation Events

10

	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
mark only one	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
use a small x	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	single event	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">X</div>

Violation Base Penalty

\$1,000

Ten single events are recommended, one for each missing quarterly report.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$238</div>	Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$2,330</div>
This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$2,330</div>	

Economic Benefit Worksheet

Respondent ConocoPhillips Company

Case ID No. 27076

Reg. Ent. Reference No. RN102495884

Media [Statute] Air Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	18-Apr-2005	31-Mar-2006	1.0	\$238	n/a	\$238

Notes for DELAYED costs

Estimated cost to maintain the required records. Date Required is the inspection date, Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$238

Screening Date 17-Oct-2005**Docket No.** 2005-1251-AIR-E**PCW****Respondent** ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 27076

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102495884**Media [Statute]** Air Quality**Enf. Coordinator** Jorge Ibarra, P.E.**Violation Number** 3

30 Tex. Admin. Code § 113.340 and 40 CFR §§ 61.357(d)(8) and 63.654(a)

Primary Rule Cite(s)**Secondary Rule Cite(s)**

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit accurate benzene NESHAP annual report for year 2004 to indicate problems with a drain subject to 40 CFR 61, Subpart FF.

Base Penalty \$10,000>> **Environmental, Property and Human Health Matrix**

		Harm			Percent
Release		Major	Moderate	Minor	
OR	Actual				
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
			X	

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment -\$9,900**Base Penalty Subtotal** \$100**Violation Events****Number of Violation Events** 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** \$1**Violation Final Penalty Total** \$233**This violation Final Assessed Penalty (adjusted for limits)** \$233

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 27076
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	18-Apr-2005	02-Aug-2005	0.3	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to accurately submit the required report. Date Required is the inspection date, Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$100****TOTAL** **\$1**

Screening Date 17-Oct-2005**Docket No.** 2005-1251-AIR-E**PCW****Respondent** ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 27076

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102495884**Media [Statute]** Air Quality**Enf. Coordinator** Jorge Ibarra, P.E.**Violation Number** 4**Primary Rule Cite(s)** 30 Tex. Admin. Code § 113.230 and 40 CFR § 63.424(a)**Secondary Rule Cite(s)** Tex. Health & Safety Code § 382.085(b)**Violation Description**

Failure to conduct monthly leak inspections of all equipment in gasoline service for 14 months in years 2003 and 2004. Specifically, the respondent failed to conduct inspections for April, May, August, September, October and November 2003; and January, February, May, June, July, August, September, and November 2004.

Base Penalty \$10,000>> **Environmental, Property and Human Health Matrix****Harm**

Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent**Matrix Notes**

Failure to conduct monthly leak inspections of all equipment in gasoline service resulted in the release of insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment -\$7,500**Base Penalty Subtotal** \$2,500**Violation Events****Number of Violation Events** 14

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$35,000

Fourteen single events are recommended for each inspection not conducted.

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** \$7,700**Violation Final Penalty Total** \$81,550**This violation Final Assessed Penalty (adjusted for limits)** \$81,550

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 27076
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs		ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$7,000	01-Apr-2003	01-Mar-2005	2.0	\$700	\$7,000	\$7,700

Notes for AVOIDED costs

Estimated avoided cost to perform the required inspections. Date Required is the first inspection not conducted, Final Date is the compliance date.

Approx. Cost of Compliance **\$7,000****TOTAL** **\$7,700**

Screening Date 17-Oct-2005	Docket No. 2005-1251-AIR-E	PCW
Respondent ConocoPhillips Company	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 27076	<small>PCW Revision May 19, 2005</small>	
Reg. Ent. Reference No. RN102495884		
Media [Statute] Air Quality		
Enf. Coordinator Jorge Ibarra, P.E.		
Violation Number	5	
Primary Rule Cite(s)	30 Tex. Admin. Code § 113.230 and 40 CFR § 63.428(h)(1)	
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failure to include all required information in the fourth quarterly report of excess emission for year 2003. Specifically, continuous monitoring system performance information was not included in the quarterly report.	
Base Penalty		\$10,000

>> **Environmental, Property and Human Health Matrix**

Harm				
	Release	Major	Moderate	Minor
OR	Actual			
	Potential			
				Percent

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor
				X
				Percent 1%
Matrix Notes	Less than 30% of the rule requirement was not met.			

Adjustment -\$9,900Base Penalty Subtotal \$100**Violation Events**Number of Violation Events 1

		daily	
		monthly	
<small>mark only one use a small x</small>		quarterly	
		semiannual	
		annual	
	single event	X	

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation**Statutory Limit Test**Estimated EB Amount \$33Violation Final Penalty Total \$233This violation Final Assessed Penalty (adjusted for limits) \$233

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 27076
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	01-Jan-2004	21-Apr-2005	1.3	\$33	n/a	\$33

Notes for DELAYED costs

Estimated cost to include all required information in the quarterly reports. Date Required is the date report was due, Final Date is the date of compliance.

Avoided Costs		ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$500****TOTAL** **\$33**

Screening Date	17-Oct-2005	Docket No.	2005-1251-AIR-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	27076			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Jorge Ibarra, P.E.			
Violation Number	<input type="text" value="6"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 113.340 and 40 CFR §§ 60.482-7 and 63.648(a)"/>			
Secondary Rule Cite(s)	<input type="text" value="Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input type="text" value="Failure to comply with leak repair requirements for valves. Specifically, valve No. 2205 failed to meet the 5 day first attempt to repair."/>			
Base Penalty			<input type="text" value="\$10,000"/>	

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Failure to comply with leak repair requirements for the affected valve resulted in the release of insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment."/>				

Adjustment **Base Penalty Subtotal** **Violation Events**Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty **Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** **Violation Final Penalty Total** **This violation Final Assessed Penalty (adjusted for limits)**

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 27076
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	18-Apr-2005	13-Jun-2006	1.2	\$29	n/a	\$29

Notes for DELAYED costs

Estimated cost to comply with the 5/15 day leak repair requirements for valves. Date Required is the inspection date, Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$500****TOTAL** **\$29**

Screening Date 17-Oct-2005

Docket No. 2005-1251-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 27076

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102495884

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 7

Primary Rule Cite(s) 30 Tex. Admin. Code § 113.340 and 40 CFR §§ 60.486(b) and 63.648(a)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to maintain the tags for leaking components. Specifically, valves No. 14005, 14254, and 14264 were not tagged as required.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 3

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$7,500

Three single events are recommended, one for each valve that was not tagged.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$17,475

This violation Final Assessed Penalty (adjusted for limits) \$17,475

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 27076
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Lahd				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$300	18-Apr-2005	19-Apr-2005	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain the tags for leaking components. Date Required is the inspection date, Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$300****TOTAL** **\$0**

Screening Date 17-Oct-2005	Docket No. 2005-1251-AIR-E	PCW
Respondent ConocoPhillips Company	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 27076	<small>PCW Revision May 19, 2005</small>	
Reg. Ent. Reference No. RN102495884		
Media [Statute] Air Quality		
Enf. Coordinator Jorge Ibarra, P.E.		
Violation Number	<div style="border: 1px solid black; padding: 2px; display: inline-block;">8</div>	
Primary Rule Cite(s)	<div style="border: 1px solid black; padding: 2px; display: inline-block;">30 Tex. Admin. Code § 113.100 and 40 CFR § 63.11(b)</div>	
Secondary Rule Cite(s)	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Tex. Health & Safety Code § 382.085(b)</div>	
Violation Description	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Failure to operate the flare with the flame present at all times. Specifically, the flame was absent for the East Refinery Flare on June 16, 2003.</div>	
Base Penalty		<div style="border: 1px solid black; padding: 2px; display: inline-block;">\$10,000</div>

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">X</div>	Percent <div style="border: 1px solid black; padding: 2px; display: inline-block;">25%</div>
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Percent <div style="border: 1px solid black; padding: 2px; display: inline-block;"></div>

Matrix Notes

Failure to operate the flare with flame present at all times resulted in the release of insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment

-\$7,500

Base Penalty Subtotal

\$2,500

Violation Events

Number of Violation Events

1

mark only one use a small x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Violation Base Penalty <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$2,500</div>
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	single event	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">X</div>	

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$500</div>	Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$5,825</div>
This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$5,825</div>	

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 27076
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	16-Jun-2003	17-Jun-2003	0.0	\$0	\$500	\$500
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to operate the flare with flame present at all times. Date Required is the date out of compliance, Final Date is the date of compliance.

Approx. Cost of Compliance **\$500****TOTAL** **\$500**

Screening Date 17-Oct-2005

Docket No. 2005-1251-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 27076

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102495884

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 9

Primary Rule Cite(s) 30 Tex. Admin. Code § 122.145(2)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to report all instances of deviations for the periods of 02/02/2004 through 08/02/2004 and 08/03/2004 through 12/31/2004.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification				x	Percent 1%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$200

Two single events are recommended, one for each incomplete report.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$466

This violation Final Assessed Penalty (adjusted for limits) \$466

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 27076
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	01-Sep-2004	30-Jun-2005	0.8	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to properly report all instances of deviations. Date Required is the date first report due, Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$200****TOTAL** **\$8**

Corresponds to Violation Number:

1

[illegible]

Compliance History

Customer/Respondent/Owner-Operator:	CN601674351	ConocoPhillips Company	Classification: AVERAGE	Rating: 2.22																																																																																																			
Regulated Entity:	RN102495884	CONOCOPHILLIPS BORGER REFINERY	Classification: AVERAGE	Site Rating: 7.48																																																																																																			
ID Number(s):	<table border="0" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 40%;">WASTEWATER</td><td style="width: 20%;">PERMIT</td><td style="width: 40%;">WQ0001064000</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>TX0009148000</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>TX0009148</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>1479A</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>9868A</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>11042A</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>11449A</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>11935A</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>11429A</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>14441A</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>19042</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>22777</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>34417</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>43073</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>HW0018P</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>0015</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>71385</td></tr> <tr><td>AIR OPERATING PERMITS</td><td>ACCOUNT NUMBER</td><td>HW0018P</td></tr> <tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1440</td></tr> <tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>2166</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>30111</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>EPA ID</td><td>TXD980626774</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>PERMIT</td><td>50078</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL</td><td>PERMIT</td><td>50078</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE PROCESSING</td><td>PERMIT</td><td>50078</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE STORAGE</td><td>PERMIT</td><td>50078</td></tr> <tr><td>UNDERGROUND INJECTION CONTROL</td><td>PERMIT</td><td>WDW380</td></tr> <tr><td>UNDERGROUND INJECTION CONTROL</td><td>PERMIT</td><td>WDW382</td></tr> <tr><td>UNDERGROUND INJECTION CONTROL</td><td>PERMIT</td><td>WDW325</td></tr> <tr><td>WASTEWATER LICENSING</td><td>LICENSE</td><td>WQ0001064000</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE</td><td>PERMIT</td><td>50078</td></tr> <tr><td>IHW CORRECTIVE ACTION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>30111</td></tr> <tr><td>WASTE WATER GENERAL PERMIT</td><td>PERMIT</td><td>TXG670002</td></tr> </table>				WASTEWATER	PERMIT	WQ0001064000	WASTEWATER	PERMIT	TX0009148000	WASTEWATER	PERMIT	TX0009148	AIR NEW SOURCE PERMITS	PERMIT	1479A	AIR NEW SOURCE PERMITS	PERMIT	9868A	AIR NEW SOURCE PERMITS	PERMIT	11042A	AIR NEW SOURCE PERMITS	PERMIT	11449A	AIR NEW SOURCE PERMITS	PERMIT	11935A	AIR NEW SOURCE PERMITS	PERMIT	11429A	AIR NEW SOURCE PERMITS	PERMIT	14441A	AIR NEW SOURCE PERMITS	PERMIT	19042	AIR NEW SOURCE PERMITS	PERMIT	22777	AIR NEW SOURCE PERMITS	PERMIT	34417	AIR NEW SOURCE PERMITS	PERMIT	43073	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HW0018P	AIR NEW SOURCE PERMITS	AFS NUM	0015	AIR NEW SOURCE PERMITS	REGISTRATION	71385	AIR OPERATING PERMITS	ACCOUNT NUMBER	HW0018P	AIR OPERATING PERMITS	PERMIT	1440	AIR OPERATING PERMITS	PERMIT	2166	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30111	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980626774	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50078	INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	PERMIT	50078	INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50078	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50078	UNDERGROUND INJECTION CONTROL	PERMIT	WDW380	UNDERGROUND INJECTION CONTROL	PERMIT	WDW382	UNDERGROUND INJECTION CONTROL	PERMIT	WDW325	WASTEWATER LICENSING	LICENSE	WQ0001064000	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50078	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30111	WASTE WATER GENERAL PERMIT	PERMIT	TXG670002
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Location:	SPUR 119 NORTH, BORGER, TX, 79008		Rating Date: 9/1/2005 Repeat Violator: NO																																																																																																				
TCEQ Region:	REGION 01 - AMARILLO																																																																																																						
Date Compliance History Prepared:	November 15, 2005																																																																																																						
Agency Decision Requiring Compliance History:	Enforcement																																																																																																						
Compliance Period:	November 15, 2000 to November 15, 2005																																																																																																						

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5(C) PERMIT

Description: Failure to operate the flares with no visible emissions except periods not to exceed a total of five minutes during any two consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5B PERMIT

Description: Failure to operate the affected flares with a pilot flame present at all times.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 60, Subpart J 60.104(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2 & 30 PERMIT

Description: Failed to operate the affected units with fuel H2S concentrations within the allowable value of less than 0/a0 grains per dry standard cubic feet..

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102MA, SC2 PERMIT

Description: Failure to show the correct vapor pressure for Tank No. 8031.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 4 PERMIT

Description: Failure to ensure that the open-ended valve on Tank No. 3001 was sealed with a cap, blind, plug, or a second valve.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 12 PERMIT

Description: Failure to continuously monitor and record the firebox temperature every 4 hours. Specifically, the operator confirmed that due to equipment malfunction, the firebox temp. at the Tail Gas Incinerator at Unit 34 was not continuously monitored or recorded.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 44 PERMIT

Description: Failure to use the proper preservation temperature for submitting samples from the cooling towers. Specifically, their records showed that the temps. rose above the required 4 degrees C. on 4/26/00 (9 deg. C), 7/14/00 (23 deg. C) & 8/9/00 (19 deg. C).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 61, Subpart FF 61.345(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 3 PERMIT

Description: Failure to conduct quarterly visual inspection of the vacuum trucks in 1999 & 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(d)(2)
40 CFR Part 60, Subpart Kb 60.115b(d)(3)

40 CFR Part 61, Subpart FF 61.357(d)(7)(iv)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC Nos. 2 & 3 PERMIT
Description: Failure to submit complete quarterly reports. Specifically, the reports submitted on 5/31 and 8/30/01 failed to include the # of times the flare pilot flame was absent.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 60, Subpart QQQ 60.698(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC. No. 2 PERMIT
Description: Failure to timely submit the semi-annual certification showing that all inspections had been conducted for the period of 4/8 - 10/7/01. Specifically, the report was due 12/8/01. The rpt. was received on 2/5/02 (i. e. 59 days late).
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Part 61, Subpart V 61.242-2(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC. No. 2 PERMIT
Description: Failure to conduct fugitive emission monitoring for the months of 2/00 & 9/00 for pumps at Unit 19.3, 11165.000, 494.000, 69.000, 76.000, & 86.000. Additionally, they failed to conduct fug. emis. monitoring for 9 and 11/01 for the following pumps at COL 130: 650 and 666.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC No. 2 PERMIT
Description: Failure to repair valve No. 1035.000 at Unit 19.3 within 15 days of the leak being detected. Specifically, the leak was detected on 4/21/01, and was repaired on 6/28/01.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 60, Subpart J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M, SC 2 PERMIT
Description: Discharging into the atmosphere SO2 with a 12 hr. rolling average concentration in excess of 250 ppm by volume at 0% excess air. Specifically, a review of the CEM data for 00 and 01 shows that Unit 43 exceeded the SO2 concentration allowable 74 times during 00 & 01.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 50E PERMIT
Description: Failure to submit a copy of the final sampling report for Unit 40 Air Cooler engine w/in 45 days after sampling was completed. Specifically, the testing was completed on July 31, 2001. The final rpt. was submitted in November 6, 2001.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 5C PERMIT
Description: Failure to operate the Acid Gas Flare with no visible emissions. Specifically, during the stack test conducted on 12/14/00, visible emissions were observed from the Acid Gas Flare.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 51B PERMIT
Description: Failed to perform emission testing within 14 days of replacing the oxygen sensors on Engines 41, 42, 43, 44, 45, and 47.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 48 PERMIT
Description: Failure to change the oxygen sensors for the affected engines 41, 42, 43, 44, 45, and 47 quarterly, as required by the provisions of permit No. 9868A.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
 30 TAC Chapter 101, SubChapter F 101.201(c)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to timely submit the initial/final upset reports. Specifically, the initial rpt. for Incident No. 17283 was due on 3/12/03, and was received on 3/13/03, and the final rpts. for Inc. Nos. 25555 & 29549 were due on 8/23/03, & were rec'd. on 8/25/03.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)
 30 TAC Chapter 116, SubChapter B 116.160[G]
 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to submit complete upset reports. Specifically, the reports submitted for emission events which occurred on 11/7/02, 1/27/03, 2/22/03, 2/17/03, 4/26/03, 6/27/03, & 7/20/03 failed to include sufficient information for the cause of the emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit the final report for the emission event which occurred on June 21-23, 2004 within 14 days. Specifically, the final rpt. was due on 7/7/04 & was received on 7/8/04.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710[G]
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Emitted into the atmosphere the following unauthorized pollutants during an emissions event which occurred June 21-23, 2004: CO-53 lbs, hydrogen sulfide-4.20 lbs, sulfur dioxide-369.10 lbs, and VOCs-139.9 lbs. Since this event was reported late, an affirmative defense, may not be claimed for the emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit the initial emission events reports w/in 24 hrs. of discovery for the events which occurred on 11/25/03, 12/7 and 9/03, and 2/18/04.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.710[G]
 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to obtain authorization for the unauthorized emissions during 37 emission events which did not qualify for an affirmative defense to an enforcement action.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710[G]
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, Sp. Cond. No. 1 PERMIT

Description: Emitting into the atmosphere unauthorized pollutants during 12 emission events.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	12/20/2000	(105274)
2	09/27/2002	(161730)
3	02/27/2001	(105275)
4	03/16/2001	(105276)
5	03/16/2001	(105277)
6	03/16/2001	(105278)
7	01/15/2003	(21520)
8	03/16/2001	(105279)
9	03/16/2001	(105280)
10	03/16/2001	(105281)

11	12/19/2002	(19877)
12	03/16/2001	(105282)
13	10/29/2001	(161732)
14	03/19/2001	(105283)
15	03/22/2001	(105284)
16	10/30/2002	(161733)
17	12/19/2002	(19929)
18	01/20/2005	(347728)
19	03/05/2003	(26861)
20	02/20/2004	(296796)
21	09/23/2004	(335211)
22	05/25/2004	(436469)
23	01/15/2003	(21558)
24	04/05/2004	(268105)
25	11/21/2000	(161735)
26	09/23/2003	(248234)
27	03/31/2004	(296798)
28	11/20/2001	(161736)
29	04/26/2004	(296799)
30	10/01/2003	(250785)
31	11/22/2002	(161737)
32	11/08/2005	(436544)
33	07/01/2005	(377888)
34	12/19/2002	(19903)
35	10/17/2003	(296800)
36	01/18/2005	(382140)
37	10/28/2005	(435763)
38	09/19/2005	(398612)
39	03/14/2005	(382141)
40	05/25/2004	(296802)
41	12/26/2000	(161739)
42	12/19/2002	(19938)
43	11/05/2003	(250547)
44	01/27/2005	(382142)
45	08/06/2004	(283088)
46	08/29/2005	(418278)
47	12/19/2001	(161740)
48	06/21/2004	(296804)
49	02/21/2003	(25618)
50	02/21/2003	(25617)
51	02/28/2001	(161703)
52	02/21/2003	(25615)
53	04/12/2001	(105285)
54	12/16/2002	(161741)
55	09/27/2005	(432573)
56	04/12/2001	(105286)
57	09/23/2003	(248300)
58	04/12/2001	(105287)
59	04/12/2001	(105288)
60	07/21/2003	(296806)
61	04/16/2004	(267682)
62	02/26/2002	(161704)

63	04/17/2001	(105289)
64	04/14/2004	(269208)
65	04/24/2001	(105290)
66	09/21/2005	(432528)
67	06/21/2001	(105291)
68	10/16/2003	(252133)
69	07/23/2001	(105292)
70	08/10/2001	(105293)
71	03/03/2003	(161705)
72	01/30/2001	(161743)
73	08/10/2001	(105294)
74	10/02/2003	(250705)
75	08/18/2003	(296808)
76	08/10/2001	(105295)
77	10/02/2003	(250706)
78	08/10/2001	(105296)
79	09/22/2004	(335175)
80	10/16/2003	(252147)
81	09/19/2001	(105297)
82	03/26/2001	(161706)
83	09/28/2001	(105298)
84	01/29/2002	(161744)
85	01/07/2002	(105299)
86	02/12/2002	(105300)
87	11/05/2004	(340397)
88	02/12/2002	(105301)
89	10/27/2005	(435707)
90	09/22/2003	(296810)
91	03/18/2002	(161707)
92	02/12/2002	(105302)
93	11/05/2004	(340401)
94	01/28/2003	(161745)
95	02/12/2002	(105303)
96	10/20/2004	(338419)
97	02/13/2002	(105304)
98	02/13/2002	(105305)
99	02/15/2002	(105306)
100	03/19/2003	(161708)
101	03/21/2002	(105307)
102	03/21/2002	(105308)
103	10/27/2003	(296812)
104	03/21/2002	(105309)
105	03/21/2002	(105310)
106	03/18/2005	(335817)
107	03/21/2002	(105311)
108	10/17/2003	(296813)
109	03/21/2002	(105312)
110	08/07/2003	(149155)
111	04/09/2002	(105313)
112	12/02/2003	(296814)
113	05/09/2002	(105314)
114	05/09/2002	(105315)

115	06/25/2002	(105316)
116	12/22/2003	(296815)
117	04/27/2001	(161711)
118	10/31/2005	(436015)
119	01/27/2004	(296816)
120	04/30/2002	(161712)
121	10/17/2003	(296817)
122	10/20/2004	(338456)
123	01/06/2005	(346260)
124	04/24/2003	(161713)
125	11/09/2005	(437151)
126	06/17/2005	(396298)
127	09/19/2005	(418617)
128	09/23/2003	(248279)
129	05/29/2001	(161715)
130	10/01/2003	(250782)
131	08/29/2005	(418255)
132	12/19/2002	(19880)
133	05/29/2002	(161716)
134	09/05/2004	(333340)
135	05/22/2003	(161717)
136	12/19/2002	(19934)
137	06/07/2004	(274624)
138	07/03/2003	(60663)
139	10/20/2004	(338428)
140	09/23/2003	(248241)
141	08/05/2004	(284515)
142	08/26/2005	(402145)
143	06/28/2001	(161719)
144	03/16/2005	(335811)
145	01/31/2005	(348389)
146	06/26/2002	(161720)
147	07/26/2004	(352767)
148	06/16/2003	(161721)
149	08/23/2004	(352768)
150	07/16/2001	(39472)
151	12/19/2002	(19860)
152	09/29/2004	(352769)
153	09/22/2004	(335158)
154	01/06/2005	(346265)
155	09/08/2004	(333632)
156	02/02/2005	(348485)
157	01/06/2005	(346272)
158	10/25/2004	(352770)
159	08/29/2005	(418284)
160	06/28/2001	(161723)
161	12/19/2002	(19839)
162	11/22/2004	(352771)
163	08/29/2005	(418264)
164	07/29/2002	(161724)
165	01/27/2005	(342485)
166	12/28/2004	(352772)

Classification: Moderate

Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)	
Rqmt Prov:	OP IA	
	Description: FAIL TO COMPLY W/FLEXIB	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)	
Rqmt Prov:	OP IA	
	Description: FAIL TO COMPLY W/FLEXI	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)	
Rqmt Prov:	OP IA	
	Description: FAIL TO COMPLY W/FLEXI	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)	
Rqmt Prov:	OP IA	
	Description: FAIL TO COMPLY W/FLEXI	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)	
Rqmt Prov:	OP IA	
	Description: FAIL TO COMPLY W/FLEXI	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)	
Rqmt Prov:	OP IA	
	Description: FAIL TO COMPLY W/FLEXI	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)	
Rqmt Prov:	OP IA	
	Description: FAIL TO COMPLY W/FLEXI	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)	
Rqmt Prov:	OP IA	
	Description: FAIL TO COMPLY W/REQUI	
Date: 09/30/2002	(161733)	
Self Report? YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
	Description: Failure to meet the limit for one or more permit parameter	
Date: 01/31/2004	(296796)	
Self Report? YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
	Description: Failure to meet the limit for one or more permit parameter	
Date: 02/29/2004	(296798)	
Self Report? YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
	Description: Failure to meet the limit for one or more permit parameter	
Date: 03/31/2004	(296799)	
Self Report? YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
	Description: Failure to meet the limit for one or more permit parameter	
Date: 10/31/2002	(161737)	
Self Report? YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
	Description: Failure to meet the limit for one or more permit parameter	
Date: 01/31/2005	(382140)	

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2005 (382141)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2004 (296802)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2000 (161739)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2004 (382142)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2001 (161740)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2004 (296804)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2001 (161703)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/26/2005 (402145)

Self Report? NO Classification: Major
Rqmt Prov: PERMIT IA
Description: Failure to prevent unauthorized discharges.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to maintain effluent parameters within the permitted limits.
Date: 11/30/2002 (161741)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2003 (296806)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2002 (161704)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2003 (161705) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2003 (296808) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2000 (161743) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2001 (161706) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2001 (161744) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2003 (296810) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2002 (161707) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2002 (161745) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2003 (161708) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2003 (296812) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2003 (296814) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/25/2002 (105316)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2)		
Rqmt Prov:	OP IA		
	Description: FAIL TO COMPLY WFF		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2)		
Rqmt Prov:	OP IA		
	Description: FAIL TO COMPLY WFF		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2)		
Rqmt Prov:	OP IA		
	Description: FAIL TO COMPLY WFF		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)		
Rqmt Prov:	OP IA		
	Description: FAIL TO COMPLY W QQQ		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)		
Rqmt Prov:	OP IA		
	Description: FAIL TO COMPLY W KB		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)		
Rqmt Prov:	OP IA		
	Description: FAIL TO COMPLY W VV		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)		
Rqmt Prov:	OP IA		
	Description: FAIL TO COMPLY W KB		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)		
Rqmt Prov:	OP IA		
	Description: FAIL TO COMPLY W VV		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2)		
Rqmt Prov:	OP IA		
	Description: FAIL TO COMPLY W V		
Date:	11/30/2003	(296815)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)[G]		
	Description: Failure to meet the limit for one or more permit parameter		
Date:	03/31/2001	(161711)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)[G]		
	Description: Failure to meet the limit for one or more permit parameter		
Date:	12/31/2003	(296816)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)[G]		
	Description: Failure to meet the limit for one or more permit parameter		
Date:	03/31/2002	(161712)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)[G]		
	Description: Failure to meet the limit for one or more permit parameter		
Date:	03/31/2003	(161713)	

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2001 (161715)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2002 (161716)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/02/2003 (60663)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure by facility to maintain Oil and Grease and pH within permit limits at outfall #002

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to maintain effluent pH within permit limits at outfall #004.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to maintain effluent pH within permit limits at outfall #003.

Date: 04/30/2003 (161717)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2001 (161719)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2002 (161720)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2004 (352767)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2003 (161721)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2004 (352768)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2004 (352769)

Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	09/30/2004	(352770)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	06/30/2001	(161723)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	10/31/2004	(352771)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	06/30/2002	(161724)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	11/30/2004	(352772)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	07/31/2001	(161726)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	07/31/2002	(161727)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	08/31/2001	(161729)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	

F.

Environmental audits.

Notice of Intent Date: 01/20/2003 (33149)

Disclosure Date: 06/17/2003

Viol. Classification: Moderate

YES

Citation: 40 CFR Chapter 60, SubChapter C, PT 60,
SubPT A 60.7(c)

Description: Failure to submit excess emissions and monitoring systems performance report and/or summary report.

Viol. Classification: Moderate

YES

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
[G]

Description: Unclear labeling in the laboratory database for natural gas and fuel gas resulted in the use of incorrect data for the stack test analyses.

Viol. Classification: Moderate

YES

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

	Description: Unclear labeling in the labrotory database for natural gas and fuel gas resulted in the use of incorrect stack test results for emissions calculations.	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No test were found for #39 and #40 engines. Both are out of service	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No biennial test was found for engine #41	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: The biennial iest for #42 engine was done in 2002 instead of 2001.	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No quarterly spot checks were found for engine #37 for the two indicated time periods.	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115[G]	
	Description: No quarterly spot checks were found for engine #38 for the two indicated time periods.	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No quarterly spot checks were found for engine #38 for the three indicated time periods.	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No quarterly spot checks were found for engine #42 for the indicated time periods.	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No quarterly spot checks were found for engine #43 for the indicated time periods.	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No quarterly spot checks were found for engine #44 for the indicated time periods.	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No quarterly spot checks were found for engine #45 for the indicated time periods.	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No quarterly spot checks were found for engine #47 for the indicated time periods.	
	Viol. Classification: Minor	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No hourly average of concentrations, based on at least four data points per hour, is kept every day.	
	Viol. Classification: Minor	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No documentation showing monthly caculations of a 12 month rolling average for the CEMS of each individual CO boiler was found.	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No data is availabe for the EPS	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: Only three of the four ESP electrical cabinets were in service at unit 40 during the time period.	
	Viol. Classification: Moderate	YES
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Description: No cabinets in service at unit 29 during indicated time period	
	Viol. Classification: Moderate	YES
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.481	

Description: There is no LDAR monitoring of piping less than or equal to 2 inches for fuel gas, unit 29 & 40 CO boilers.

Viol. Classification: Moderate

YES

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Records show one less value being monitored in the cap calculations for U29CO.

Viol. Classification: Moderate

YES

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No preventive maintenance or O2 sensor changes was recorded for engine 41

Viol. Classification: Moderate

YES

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Engine #41 was not tested after all pertinent maintenance.

Viol. Classification: Moderate

YES

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No preventative maintenance or O2 sensor change was recorded for engine #42.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN102495884**

**§
§
§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2005-1251-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ConocoPhillips Company ("ConocoPhillips") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and ConocoPhillips appear before the Commission and together stipulate that:

1. ConocoPhillips owns and operates a petroleum refinery and natural gas processing plant at Spur 119 North in Borger, Hutchinson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and ConocoPhillips agree that the Commission has jurisdiction to enter this Agreed Order, and that ConocoPhillips is subject to the Commission's jurisdiction.
4. ConocoPhillips received notices of the violations alleged in Section II ("Allegations") on or about July 6, 2005 and November 14, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by ConocoPhillips of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Hundred Forty-Three Thousand Sixty-Two Dollars (\$143,062) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). ConocoPhillips has paid Fifty-Seven Thousand Two Hundred Twenty-Five Dollars (\$57,225) of the administrative penalty and Twenty-Eight Thousand Six Hundred Twelve Dollars (\$28,612) is deferred contingent upon ConocoPhillips' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If ConocoPhillips fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require ConocoPhillips to pay all or part of the deferred penalty. Fifty-Seven Thousand Two Hundred Twenty-Five Dollars (\$57,225) shall be conditionally offset by ConocoPhillips' completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and ConocoPhillips have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that ConocoPhillips has implemented the following corrective measures at the Plant:
 - a. Re-lit the pilot on the East Refinery Flare on June 17, 2003;
 - b. Began conducting monthly leak inspections of all equipment in gasoline service on March 1, 2005;
 - c. Began maintaining tags for leaking components on April 19, 2005;
 - d. Implemented an internal procedure which requires an investigation to determine the root cause and to identify countermeasures intended to prevent reoccurrence of emission events on April 19, 2005;
 - e. Submitted a complete excess emissions report for the fourth quarterly report for year 2003 on April 21, 2005;
 - f. Reported all instances of deviations for the periods of 02/02/2004 through 08/02/2004 and 08/03/2004 through 12/31/2004 on June 30, 2005;
 - g. Submitted an accurate benzene national emission standards for hazardous air pollutants ("NESHAP") annual report for year 2004 on August 2, 2005;
 - h. Began maintaining records of quarterly visual reports on March 31, 2006; and
 - i. Began complying with leak repair requirements for valves on June 13, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that ConocoPhillips has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, ConocoPhillips is alleged to have:

1. Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (emission point number ("EPN") 85B2) during an emission event on November 23, 2004, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005;
2. Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on November 30, 2004, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005;
3. Failed to maintain an emission rate below the maximum allowable emission limits from Hydrogen Sulfide ("H2S") Emergency Flare (EPN 66FL6) during an emission event on December 23, 2004, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005;
4. Failed to maintain an emission rate below the maximum allowable emission limits from Refinery Cat Flare (EPN 66FL3) during an emission event on February 23, 2005, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005;
5. Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on February 23, 2005, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005;
6. Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (EPN 85B2) during an emission event on March 5, 2005, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 9868/PSD-TX-102M5, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005;

	EMISSION PARAMETER											
	NH ₃	NO _x	CO	SO ₂	Nitric Oxide	H ₂ S	VOC	Opacity	PM	Event Period	Incident	Date
EPN No.	Lbs	lbs	lbs	lbs	lbs	lbs	lbs	%	lbs/hr	hrs:min	No.	00/00/00
85B2	218		58,413							2:54	49852	11/23/04
85B1	169		56,775					59		2:16	50111	11/30/04
66FL6		0.025		1,639	0.0084					0:44	51336	12/23/04
66FL3		2,021	983	8,804		96	392			116:10	54413 & 54414	02/23/05
66FL3		24	122							0:45	54416	02/23/05
85B1	525		83,606							7:00	54417	02/23/05
85B2	282		21,365							3:45	54865	03/05/05

7. Failed to maintain records of quarterly visual reports, in violation of 40 Code of Federal Regulations ("CFR") §§ 61.356(g) and 63.654(a), 30 TEX. ADMIN. CODE § 113.340, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005. Specifically, a total of 10 quarterly reports were missing for years 2003 and 2004 for the eight affected units;
8. Failed to submit accurate benzene NESHAP annual report for year 2004 to indicate problems with a drain subject to 40 CFR 61, Subpart FF, in violation of 40 CFR §§ 61.357(d)(8) and 63.654(a), 30 TEX. ADMIN. CODE § 113.340, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005;
9. Failed to conduct monthly leak inspections of all equipment in gasoline service for 14 months in years 2003 and 2004, in violation of 40 CFR § 63.424(a), 30 TEX. ADMIN. CODE § 113.230, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005;
10. Failed to include all required information in the fourth quarterly report of excess emissions for year 2003, in violation of 40 CFR § 63.428(h)(1), 30 TEX. ADMIN. CODE § 113.230, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005;
11. Failed to comply with leak repair requirements for valve No. 2205, in violation of 40 CFR §§ 60.482-7 and 63.648(a), 30 TEX. ADMIN. CODE § 113.340, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005;
12. Failed to maintain tags for leaking components, in violation of 40 CFR §§ 60.486(b) and 63.648(a), 30 TEX. ADMIN. CODE § 113.340, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005. Specifically, valves No. 14005, 14254, and 14264 were not tagged as required;

13. Failed to operate the flare with flame present at all times, in violation of 40 CFR § 63.11(b), 30 TEX. ADMIN. CODE § 113.100, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005. Specifically, the flame was absent for the East Refinery Flare on June 16, 2003; and
14. Failed to report all instances of deviations for the periods of 02/02/2004 through 08/02/2004 and 08/03/2004 through 12/31/2004, in violation of 30 TEX. ADMIN. CODE § 122.145(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 18, 2005.

III. DENIALS

ConocoPhillips generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that ConocoPhillips pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and ConocoPhillips' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2005-1251-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. ConocoPhillips shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Fifty-Seven Thousand Two Hundred Twenty-Five Dollars (\$57,225) of the assessed administrative penalty shall be offset with the condition that ConocoPhillips implement the SEP defined in Attachment A, incorporated herein by reference. ConocoPhillips' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon ConocoPhillips. ConocoPhillips is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If ConocoPhillips fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, ConocoPhillips' failure to comply is not a violation of this Agreed Order. ConocoPhillips

shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. ConocoPhillips shall notify the Executive Director within seven days after ConocoPhillips becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by ConocoPhillips shall be made in writing to the Executive Director. Extensions are not effective until ConocoPhillips receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against ConocoPhillips in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to ConocoPhillips, or three days after the date on which the Commission mails notice of the Order to ConocoPhillips, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

8/29/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

6-1-07
Date

BRIAN K. LEVER

Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

REFINERY MANAGER

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2005-1251-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company

Penalty Amount: One Hundred Fourteen Thousand Four Hundred Fifty Dollars
[\$114,450]

SEP Offset Amount: Fifty-Seven Thousand Two Hundred Twenty-Five Dollars
[\$57,225]

Type of SEP: Contribution to Third Party – *Borger ISD asbestos abatement*

Location of SEP: Hutchinson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the *Borger ISD* (“Performing Party”) for the *Asbestos Abatement program*, to be conducted within Hutchinson County. Through a certified asbestos contractor, the performing party shall remove asbestos from the following schools in the Borger Independent School District:

- 3,126 square feet (sf) of floor tile from the Paul Belton Early Childhood campus;
- 6,771 sf of floor tile from the South Campus;
- 550 linear feet (lf) of insulation from the South Campus; and
- 3,843 sf of floor tile from Crockett Elementary.

The performing party is removing the asbestos due to the age of the asbestos and the likelihood of increased traffic in the affected areas in the future. The performing party will test the materials to verify the presence of asbestos and will use proper procedures for handling and disposal of any asbestos-containing materials.

Specifically, SEP monies will pay for the labor and disposal costs associated with properly removing and disposing of asbestos-containing materials to which children may be exposed. The project will be administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Chronic exposure to asbestos may increase the risk of lung cancer, a malignant tumor that invades and obstructs the lung's air passages, mesothelioma, a rare cancer which may affect the lining of the lungs or the abdominal contents; and asbestosis, a serious, progressive, long-term disease of the lungs that can be fatal.

This SEP will provide a discernible environmental benefit by resulting in the proper removal of asbestos from the school buildings by a certified contractor, decreasing exposure of children to the inhalation of asbestos fibers that can cause lung cancer, asbestosis, and mesothelioma.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

- A. Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Borger Independent School District
Clifton Stephens, Superintendent
P.O. Box 1177
200 East Ninth Street
Borger, Texas 79007
Austin, Texas 78711-3087

- B. Concurrent with the payment of the SEP Amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. Records and Reporting

Proof of transmitting the SEP Offset to the Third Party pursuant to Item 2.B., above, shall be considered

sufficient for a final report from the Respondent.

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

